

Appl. No. 09/915,357

REMARKS

Applicant appreciates the indication that claims 5-15, 25-30, 36-44, 58-62, and 65 recite allowable subject matter.

Applicant hereby cancels claim 62. Accordingly, claims 1-44, 46-61, and 63-65 are pending in the present application.

Claims 21-24 and 46-50 stand rejected under 35 USC 102(e) for anticipation by U.S. Patent No. 6,084,512 to Elberty et al. Claims 1-4, 16-20, 31-35, 51-57, and 63 stand rejected under 35 USC 103(a) for obviousness over Elberty in view of U.S. Patent No. 6,480,699 to Lovoi.

Applicant respectfully traverses the rejections and urges allowance of the present application.

Claim 1 has been amended to recite limitations of claim 62. Claim 1 is believed to be allowable in view of the indication that claim 62 recites allowable subject matter.

The claims which depend from independent claim 1 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Claim 16 recites a *radio frequency identification device* comprising communication circuitry configured to output another wireless signal providing *radio frequency identification device communications including identifying the radio frequency identification device*. The Office Action on page 2 alleges Elberty discloses radio frequency identification devices 500. As set forth in the previous response, Applicant has electronically searched Elberty and has failed to uncover any radio frequency identification device or RFID teachings. The

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present Office Action fails to address Applicant's arguments of the last response or provide any clarification in view of Applicant's arguments. Applicant refers the Examiner to the website entitled www.aimglobal.org/technologies/rfid with respect to radio frequency identification devices and as previously submitted with an Information Disclosure Statement, dated July 26, 2001. Applicant also electronically searched Lovoi and has failed to uncover any RFID or radio frequency identification device teachings in Lovoi.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See, e.g., MPEP §2143 (8th ed.).

Even if the reference teachings are combined, the combination fails to disclose or suggest the claimed *radio frequency identification device* or the *outputting the human perceptible signal to indicate presence of the radio frequency identification device*. The combination also fails to disclose or suggest the *communication circuitry configured to output another wireless signal providing radio frequency identification device communications including identifying the radio frequency identification device*. Positively-recited limitations of claim 16 are not shown nor suggested and claim 16 is allowable. Applicant respectfully requests clarification of any rejection of claim 16 if claim 16 is not allowed in the next Action.

The claims which depend from independent claim 16 are in condition for allowance

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for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Claim 21 recites plural *radio frequency identification devices* individually comprising *radio frequency identification device communication circuitry* configured to selectively output another wireless signal to implement *radio frequency identification device communications*. Elberty fails to disclose or suggest any radio frequency identification device teachings. Positively-recited limitations of claim 21 are not shown nor suggested and claim 21 is allowable for at least this reason.

The claims which depend from independent claim 21 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Claim 31 recites providing a radio frequency identification device, indicating presence of the radio frequency identification device using indication circuitry of the radio frequency identification device, *and outputting another wireless signal using the radio frequency identification device responsive to the processing and to implement radio frequency identification device communications*. Applicant has electronically searched Elberty and Lovoi and has failed to uncover any RFID or radio frequency identification device teachings. Even if the references are combined, the combination fails to disclose or suggest limitations of claim 31. Accordingly, the Office Action fails to establish a prima facie case of obviousness and the rejection is improper. Applicant requests allowance of claim 31 in the next Action.

The claims which depend from independent claim 31 are in condition for allowance

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for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to claim 46, such claim now recites emitting another wireless signal using *radio frequency identification device communication circuitry of the at least one identified radio frequency identification device, wherein the another wireless signal identifies the at least one identified radio frequency identification device.* Claim 46 is indicated in the Office Action to be allegedly anticipated by Elberty. Elberty fails to disclose or suggest any radio frequency identification or RFID teachings, or the emission of the another wireless signal identifying the at least one identified radio frequency identification device. Claim 46 recites allowable subject matter for at least this reason.

The claims which depend from independent claim 46 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Applicant respectfully requests allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

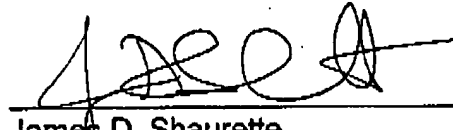
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Respectfully submitted,

Dated:

8/13/03

By:



James D. Shaurette
Reg. No. 39,833

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